

**CITY COUNCIL MEETING
CITY OF WATERTOWN
December 6, 2010
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER, JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER
ROBERT J. SLYE, CITY ATTORNEY**

City Staff Present: Gene Hayes, James Mills, Ken Mix, Brian Phelps, Kurt Hauk

The City Manager presented the following reports to Council:

- 1 - Designation of Official Newspaper
- 2 - Re-Adoption of Fiscal Years 2010-11 through 2014-2015 Capital Budget
- 3 - Amending Bid Award Amount, Roof Replacement on the Administration Building
Thompson Park, Continental Construction
- 4 - Approving Change Order No. 2 to Agreement, CCI Companies, Inc., Breen Avenue
- 5 - Establishing 2011 County Tax Rate
- 6 - Authorizing the Acceptance of the Vacant Lot 862 Mill Street, Parcel No. 3-11-138.002
- 7 - Approving Contract for Professional Services With Avalon Associates Inc. and
Neighbors of Watertown Inc. for a FY 2011 Small Cities CDBG Application
- 8 - Approving Contract for Professional Services For Avalon Associates Inc. and Neighbors
of Watertown Inc. for a FY 2011 HOME Application to NYSHCR
- 9 - Approving Contract for Professional Services With Avalon Associates Inc. and
Neighbors of Watertown Inc. for a FY 2011 HOME Application to North Country
HOME Consortium
- 10 - Sidewalk Improvement Special Assessment Program, District No. 7
- 11 - Local Law No. 5 - A Local Law Annexing Territory from the Town of
Watertown
- 12 - 7:30 p.m. Local Law No. 4 of 2010, Amending City Code Chapter 81, Animals
- 13 - Tabled -Health Insurance Plan Design Changes
- 14- Noise Control Legislation
- 15- LWRP Zoning Ordinance Revisions
- 16- Letter from Ronald C. Johnson

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of November 15, 2010 and the adjourned meeting of November 29, 2010 was dispensed and accepted as written by motion of Council Member Burns, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

Brenda Harwood, representing the City's Health Committee, respectfully asked that the Council move on the resolution for the health care changes and vote either one way or the other.

Mayor Graham interrupted the regular course of business to allow for a presentation on Creekwood Development.

Kevin Jordan, DANC, addressed the chair giving Council an update on the Creekwood Development project. He reviewed the history of the project, which was the original 3rd installment of the Starwood project. He advised that with the economic downturn in housing and banking, the industry fell apart and the tax credit equity went away, however, the need for housing has continued to grow. The tax credit fall has created a \$3.5 million gap. Mr. Jordan explained that trying to fill this gap has become a community effort. Albany's Division of Housing indicated that if Norstar can fast track an application in January and the project was shovel ready, it would have a good chance of being funded. In addition, DANC has agreed to put in \$500,000 and has been working with the Watertown Trust and JCIDA to get commitments of the same amounts. Mr. Jordan also advised that the developers wish to put together a package similar to the Empire Zone and therefore a housing development fund company is being discussed.

Mr. Jordan answered questions from Council concerning the loan, in regard to principal payments after 30 years. He explained that tax credit equals about \$10 million of the \$18 million project and explained that many times, these loans are refinanced after a certain number of years. He explained that tax credit can reduce the financing that is required. He also explained that the developer does receive a developer's fee on the project, which is usually about 10 %. He advised that these are highly regulated projects.

Council Member Butler remarked that he would like to go through one of the units at Starwood.

Mayor Graham remarked that there have been some questions as to whether or not these agencies would participate in the funding and he asked what was going on. Mayor Graham commented that all of these funds are public monies derived from public taxes.

Mr. Jordan responded that they never would have gone to the Trust if the tax credit market hadn't fallen apart.

Mayor Graham asked if there was anything Council could do to move this along.

Mrs. Corriveau responded that staff is looking at a method of providing an exemption like a 485 E for the project. She will have something for Council concerning this at the next work session.

PUBLIC HEARING

AT 7:30 MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING LOCAL LAW NO. 4 OF 2010.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

R E S O L U T I O N S

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

BE IT RESOLVED by the City Council of the City of Watertown, New York that the *Watertown Daily Times* be and is hereby designated as the official newspaper of the City of Watertown, New York for the year beginning January 1, 2011 and ending December 31, 2011.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS on June 7, 2010 the City Council adopted the Fiscal Years 2010-11 through 2014-15 Capital Budget which included the purchase of two paratransit buses in the amount of \$150,000 in Fiscal Year 2011-12, and

WHEREAS City Council on September 21, 2009 authorized the acceptance of a grant under the American Recovery and Reinvestment Act of 2009 in the amount of \$130,000 for the purchase of two paratransit buses, and

WHEREAS the New York State Department of Transportation has requested that the City of Watertown purchase the two paratransit buses prior to March 31, 2011 to avoid the risk of losing the grant, and

WHEREAS City Council desires to purchase the paratransit buses in Fiscal Year 2010-11 to ensure the grant funding remain available for the purchases, and

NOW THEREFORE BE IT RESOLVED that the Fiscal Years 2010-11 through 2014-15 Capital Budget is amended to include the purchase of the two paratransit buses at \$130,000 in FY 2010-11 and to remove the \$150,000 in Fiscal Year 2011-1

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO

WHEREAS by resolution dated November 1, 2010 the City Council accepted the bid submitted by Continental Construction for the replacement of the roof on the Administration Building at Thompson Park, in the amount of \$48,889, and

WHEREAS the actual bid submitted by Continental was in the amount of \$48,899,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby amends the bid award amount contained in the November 1, 2010 resolution to read \$48,899, for the bid submitted by Continental Construction for the roof replacement on the administration building at Thompson Park.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS on April 19, 2010, the City Council of the City of Watertown approved a bid submitted by CCI Companies, Inc., of Canastota, New York, in the amount of \$894,765.50 for the reconstruction of Breen Avenue, and

WHEREAS Change Order No. 1 to this contract was approved by City Council on August 16, 2010 in the amount of \$76,658.76, and

WHEREAS City Engineer Kurt W. Hauk has submitted Change Order No. 2 to that contract for consideration by the City Council, and

WHEREAS this change order results in an additional charge of \$7,285.93, bringing the contract amount to \$978,710.19,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 2 to the contract with CCI Companies, Inc., in for the reconstruction

of Breen Avenue, the amount of \$7,285.93, a copy of which is attached and made of part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the Board of Legislators of the County of Jefferson, by resolution dated November 9, 2010, and in accordance with New York State Real Property Tax Law Article 9 Section 904 has certified to the City that the contribution of the City of Watertown to the taxes of the County of Jefferson for the Fiscal Year beginning January 1, 2011 is \$6,742,338.66, and

WHEREAS the Board of Legislators of the County of Jefferson, by resolution dated November 9, 2010, and in accordance with New York State Environmental Conservation Law Section 15-2123 subdivision 6, has directed the City to levy and collect the unpaid Hudson River Black River Regulating District 2011 Annual Assessment for parcel 01-14-121.00 owned by Watertown River Properties in the amount of \$2,763.00,

NOW THEREFORE BE IT RESOLVED that this Council shall and hereby does levy the said unpaid Hudson River Black River Regulating District 2011 Annual Assessment for parcel 01-14-121.00 owned by Watertown River Properties in the amount of \$2,763.00, so ascertained and directed and to be certified to the City and to be extended on the Assessment Rolls by the City Assessor, as provided by Section 115 of the City Charter, and

NOW THEREFORE BE IT RESOLVED that this Council shall and hereby does levy the said aggregate amount of taxes of \$6,742,338.66 and unpaid Hudson River Black River Regulating District 2011 Annual Assessment for parcel 01-14-121.00 owned by Watertown River Properties in the amount of \$2,763.00, so ascertained and directed and to be certified to the City and to be extended on the Assessment Rolls by the City Assessor, as provided by Section 115 of the City Charter, and

BE IT FURTHER RESOLVED that the City does hereby levy a total fee of \$6,745,101.66 to be collected at a rate of \$6.704962 per \$1,000 of assessed valuation, which County tax levy of \$6,742,338.66 includes \$19,881.42 in omitted taxes.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the beneficiaries of the Robert J. Valin Estate are the current owners of a vacant lot at 862 Mill Street, Tax Parcel No. 3-11-138.002, and

WHEREAS the Estate has tried to sell this property, which is encumbered utility easements, without success, and

WHEREAS the Executor of the Estate has contacted the City of Watertown and expressed interest in transferring title to the property to the City of Watertown, and

WHEREAS New York State City Law, Section 20(3) empowers the City to accept a gift of the conveyance of property, and

WHEREAS the Estate provided the City with the Title documents on November 15, 2010,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby determines that it is in the best interest of the City of Watertown to accept title to said property, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the title delivered to the City on November 15, 2010 for Tax Parcel No. 3-11-138.002 for no monetary consideration, and to execute all documents necessary to effect a transfer of title.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS it is expected that grant funding will be available through New York State Homes and Community Renewal to support local community development activities that are undertaken by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the Fiscal Year 2011 competition under the Small Cities Community Development Block Grant program, and

WHEREAS Avalon Associates Inc. has been selected as the City's community development consultant for the Small Cities Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates Inc. and Neighbors of Watertown Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown,

New York, that it hereby approves the Contract for Professional Services with Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 Small Cities Community Development Block Grant application, and

BE IT FURTHER RESOLVED that City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the contract on behalf of the City Council.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS it is expected that grant funding will be available through New York State Homes and Community Renewal for the HOME Investment Partnership Program, and

WHEREAS Avalon Associates Inc. has been selected as the City of Watertown's community development consultant for the HOME Investment Partnership Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates Inc. and Neighbors of Watertown Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Contract for Professional Services with Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 HOME Investment Partnership Program application to New York State Homes and Community Renewal, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the contract on behalf of the City Council.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS it is anticipated that grant funding will be available through the North Country HOME Consortium to support local housing programs, and

WHEREAS Avalon Associates Inc. has been selected as the City of Watertown's community development consultant for the HOME Investment Partnership Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates Inc. and Neighbors of Watertown Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Contract for Professional Services with Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2011 HOME Investment Partnership Program application to the North Country HOME Consortium, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the contract on behalf of the City Council.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS on November 15, 2010, the City Council approved Sidewalk Special Assessment District No. 7, and

WHEREAS since that time the City Engineering Department has done a more thorough inspection of the sidewalks to be included in the district and is asking that the properties to be included in district No. 7 be amended to include those parcels enumerated on the attached list,

NOW THEREFORE BE IT FURTHER RESOLVED that the properties included in the Sidewalk Special Assessment Program, District No. 7, are those detailed on the attached report.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

MOTION WAS MADE BY MAYOR GRAHAM TO TAKE FROM THE TABLE THE RESOLUTION ACCEPTING HEALTH INSURANCE PLAN DESIGN CHANGES. MOTION WAS SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING YEA (Introduced on September 7, 2010, and can be found in its entirety on page 179 of the 2010 Minutes Book.)

Commenting on the resolution, Council Member Butler stated that he agreed that this had to be taken off the table. He remarked that he would propose an amendment for the resolution to put the sunset clause in it and suggested that Attorney Slye could put it in the proper language.

Mrs. Corriveau advised that the Health Committee would need to know what the proposal was. Therefore it would have to go back to the committee before Council could vote on something other than what was recommended by the committee.

Mayor Graham commented that he had previously advised Council that if they wanted an amendment, they should have it prepared in advance in writing.

Council Member Butler stated that he would work with Counsel to include a sunset provision.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION (WITHOUT ANY AMENDMENTS) AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BUTLER AND COUNCIL MEMBER SMITH VOTING NAY.

LOCAL LAW

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS on May 23, 1996, the City of Watertown petitioned for annexation of City-owned vacant territory from the Town of Watertown pursuant to Article 17 of the New York General Municipal Law, said territory being a landlocked 2-acre parcel off Outer Washington Street, and

WHEREAS the Town Board of the Town of Watertown provided appropriate notice of the requested annexation to all involved schools and fire districts pursuant to Article 17 of the New York Municipal Law, and

WHEREAS after a meeting held, upon such notice, on November 6, 1997, the Town Board of the Town of Watertown resolved to consent to the annexation of the City of Watertown parcel, tax parcel No. 91.05-1-12 to the City, and

WHEREAS the property was then removed from the Town tax rolls, but a formal annexation of the property, pursuant to Section 714(2) of the New York General Municipal Law, required to be adopted by Local Law by the City, never occurred, and

WHEREAS a public hearing was held on this amendment on December 20, at 7:30 p.m. in the City Council Chambers, and

NOW THEREFORE BE IT FURTHER ENACTED, that the City Council of the City of Watertown, New York hereby annexes City-owned vacant property known as tax parcel No. 91.05-1-12 pursuant to the provisions of Section 706(2) of the New York General Municipal Law.

BE IT FURTHER ENACTED that this Local Law shall take effect immediately upon filing with the New York Secretary of State.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING LOCAL LAW FOR MONDAY, DECEMBER 20, 2010 AT 7:30 P.M. MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Drainage at Intersection of Coffeen Street

Council Member Smith asked if this had been looked at.

Mr. Hauk explained that they haven't seen it as it may have been the intensity of the storm. However, they will keep monitoring it.

Noise Control Legislation

Attorney Slye advised that the state law is enforceable now if the City had meters. He asked Council if they wished to proceed with a decibel based law or one based upon a doctrine of reasonableness.

Council Member Butler commented that he still believes that this is worth pursuing. He stated that Syracuse, Buffalo and Utica have this type of legislation and the fines are \$200 in Syracuse. He stated that he would like to see an ordinance similar to the one in Syracuse and would also encourage decibel meters.

Mayor Graham asked if it would be to the City's advantage to equipment the police department with the meters.

Council Member Smith remarked that we could enact a stricter standard than the state law and referred to the fact that our building code was stricter than what the state had required.

Attorney Slye advised that the legislation had allowed the building code to be stricter than state code. However, there is no legislation allowing that for state laws concerning noise. He stated that, in his opinion, we have to use state standards and would have to be enforced by the District Attorney.

Council Member Burns remarked that she would like to back this up a little and find out the costs for the meters and the training.

Council Member Smith remarked that staff could ask the county what the costs are.

Council Member Burns asked if the District Attorney was willing to enforce it.

Attorney Slye responded that it would be a violation of state law and that is what she does enforce. He advised that the District Attorney had spoken with Chief Goss and indicated that she has never prosecuted and that section of state V&T law.

Council Member Butler remarked that he would like to see the noise ordinance cover noise from buildings as well.

LWRFZ Zoning Ordinance

Council reviewed the memo from Mr. Mix concerning the meeting of December 16th. This meeting will be held at 7:00 p.m. in the City Council Chambers for the members of the Planning Board, Advantage Watertown and River Committee who are interested in taking part in the review. City Council Members are also invited to participate.

Ronald Johnson's Letter

Council Member Butler referred to this letter and asked Mrs. Corriveau if she was prepared to address Mr. Johnson's questions.

Mrs. Corriveau questioned if Council wanted staff to respond to the letter.

Council Member Macaluso remarked that some of the questions can't be answered at this time.

Council Member Butler remarked that Mr. Johnson had legitimate concerns as there was no traffic study done.

Mrs. Corriveau responded that the engineers did outreach and went to the site and they did look at moving it closer to Court Street. However, it was too close to the intersection.

Council Member Smith commented that it may be safer to be closer to the American Corner as people would already be in the right lane.

Mayor Graham responded that there were numerous focus groups involved in this decision over time. He stated that there was a benefit of input from professional engineering groups. He cautioned about presupposing that this is now unsafe.

Mrs. Corriveau reminded Council that the request had been to do away with the road, not shift it.

Mayor Graham commented that shifting would be thousands of dollars more.

Mrs. Corriveau also reminded Council that a large utility vault is located closer to the American Corner.

Council Member Burns remarked that it is important to the City when they hire architects and engineering firms that they believe that these firms take safety into consideration.

Council agreed to having Mrs. Corriveau phone Mr. Johnson and invite him to attend the work session at 6:30 on Monday, December 13th at the J.B. Wise proposed road site.

Tree Lighting Ceremony

Council Member Butler thanked everyone for a very successful tree lighting ceremony.

Mrs. Corriveau commended Michael Lumbis, Mr. Hayes and his staff for the work that they did.

Decorations on Factory Street

Council Member Macaluso commented that someone had asked her why decorations didn't go down Factory Street.

Mrs. Corriveau advised that they would look at doing that after the reconstruction has been done and new lights have been put up.

Naming of City Street

MOTION WAS MADE BY MAYOR GRAHAM TO NAME THE NEW STREET THAT WILL CONNECT N. PLEASANT STREET AND CALIFORNIA AVENUE IN HONOR OF FORMER MAYOR BUTLER.

MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Award to City

Mrs. Corriveau presented Council with a plaque honoring the City for the Northside Trunk Sewer Project. She thanked Council for their support of the project.

Uniform Tax Exempt Policy and Guidelines

Mrs. Corriveau advised Council that the JCIDA recently adopted the existing policy from February 3, 2004.

Neighborhood Meeting

Mrs. Corriveau reminded Council of a meeting with Ogilvie neighbors on Tuesday, Dec. 7th to outline the proposed development on the site. She also advised that the county has removed all

the shot rock in the area. They have taken about 40% off the site. Mr. Hayes has asked that some remain for trucks to use to drive over while working on the site.

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE EMPLOYMENT HISTORY OF A PARTICULAR INDIVIDUAL.

MOTION WAS SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING YEA

Council moved into Executive Session at 8:36 p.m.

Council reconvened at 8:58 p.m.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:58 P.M. BY MOTION OF COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk